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SEP 26 2017

September 19, 2017

Diane Speigle  
California Metal Services, Inc.  
1428 W. Mission Road  
Escondido, CA 92029

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jason H. Allen  
California Metal Services, Inc.  
1428 W. Mission Road  
Escondido, CA 92029

Re: **Clean Water Act Notice of Intent to Sue/60-Day Notice Letter**  
**CMS Inc's Violations of General Industrial Permit**

Dear Ms. Speigle:

Please accept this letter on behalf of the Coastal Environmental Rights Foundation (CERF) regarding California Metal Service, Inc's ("CMS")'s violations of the State Water Resources Control Board Water Quality Order Nos. 97-03-DWQ and 2014-0057-DWQ, Natural Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001, and Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (Industrial Permit).<sup>1</sup> This letter constitutes CERF's notice of intent to sue for violations of the Clean Water Act and Industrial Permit for CMS's facility located at 1428 W. Mission Road, Escondido, CA 92029 ("Facility"), as set forth in more detail below.

Section 505(b) of the Clean Water Act requires that sixty (60) days prior to the initiation of a citizen's civil lawsuit in Federal District Court under Section 505(a) of the Act, a citizen must give notice of the violations and the intent to sue to the violator, the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of the U.S. Environmental Protection Agency for the region in which the violations have occurred, the U.S. Attorney General, and the Chief Administrative Officer for the State in which the violations have occurred (33 U.S.C. § 1365(b)(1)(A)). This letter provides notice of CMS's Clean Water Act violations and CERF's intent to sue.

**I. Coastal Environmental Rights Foundation (CERF)**

CERF is a non-profit public benefit corporation organized under the laws of the State of California with its main office located at 1140 S. Coast Highway 101, Encinitas, CA. CERF is dedicated to the preservation, protection, and defense of the environment, the wildlife, and the natural resources of the California Coast. Members of CERF use and enjoy the waters into

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<sup>1</sup> The Industrial Permit amendments, pursuant to Order No. 2014-0057-DWQ, become effective July 1, 2015. All references are to the Industrial Permit prior to modification pursuant to Order No. 2014-0057-DWQ are to the "Industrial Permit." All references to the Permit as modified by Order No. 2014-0057-DWQ are to the "New Industrial Permit."

which pollutants from CMS's ongoing illegal activities are discharged, namely Escondido Creek, San Elijo Lagoon, and ultimately the Pacific Ocean.

The public and members of CERF use Escondido Creek, San Elijo Lagoon and the Pacific Ocean to fish, sail, boat, kayak, surf, swim, scuba dive, birdwatch, view wildlife, and to engage in scientific studies. The discharge of pollutants by the CMS Facility affects and impairs each of these uses. Thus, the interests of CERF's members have been, are being, and will continue to be adversely affected by CMS Owners and/or Operators' failure to comply with the Clean Water Act and the Industrial Permit.

## **II. Storm Water Pollution and the Industrial Permit**

### **A. Duty to Comply**

Under the Clean Water Act, the discharge of any pollutant to a water of the United States is unlawful except in compliance with certain provisions of the Clean Water Act. (See 33 U.S.C. § 1311 (a)). In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Industrial Permit in order to lawfully discharge. CMS enrolled as a discharger subject to the Industrial Permit on May 20, 2014 with WDID No. 9 371024914. Information available to CERF indicates CMS was operating as a scrap metal recycling facility as early as 2010 – without a valid discharge permit. All discharges from the Facility prior to May 20, 2014 were therefore unlawful.

Pursuant to the Industrial Permit, a facility operator must comply with all conditions of the Industrial Permit. Failure to comply with the Industrial Permit is a Clean Water Act violation. (Industrial Permit, § C.1; New Industrial Permit §XXI.A. ["Permit noncompliance constitutes a violation of the Clean Water Act and the Water Code..."]). Any non-compliance further exposes an owner/operator to an (a) enforcement action; (b) Industrial Permit termination, revocation and re-issuance, or modification; or (c) denial of a Industrial Permit renewal application. (*Id.*). As an enrollee, CMS has a duty to comply with the Industrial Permit and is subject to all of the provisions therein.

### **B. The CMS Facility Discharges Contaminated Storm Water in Violation of the Industrial Permit**

Discharge Prohibition A(2) of the Industrial Permit and Section III.C. of the New Industrial Permit prohibit storm water discharges and authorized non-storm water discharges which cause or threaten to cause pollution, contamination, or nuisance. Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges to surface or groundwater that adversely impact human health or the environment. In addition, receiving Water Limitation C(2) prohibits storm water discharges and authorized non-storm water discharges, which cause or contribute to an exceedance of any water quality standards, such as the CTR or applicable Basin Plan water quality standards. (See New Industrial Permit, §III.D.; §VI.A.). "The California Toxics Rule ("CTR"), 40 C.F.R. 131.38, is an applicable water quality standard." (*Baykeeper v. Kramer Metals, Inc.* (C.D.Cal. 2009) 619 F.Supp.2d 914, 926). "In sum, the CTR is a water quality standard in the General Permit, Receiving Water Limitation C(2). A permittee violates Receiving Water Limitation C(2) when it 'causes or contributes to an exceedance of' such a standard, including the CTR." (*Id.* at 927).



If a discharger violates Water Quality Standards, the Industrial Permit and the Clean Water Act require that the discharger implement more stringent controls necessary to meet such Water Quality Standards.(Industrial Permit, Fact Sheet p. viii; New Industrial Permit, §XX.B.1; 33 U.S.C. § 1311(b)(1)(C)). The CMS Owners and/or Operators have failed to comply with this requirement, routinely violating Water Quality Standards without implementing BMPs to achieve BAT/BCT or revising the CMS SWPPP pursuant to section New Industrial Permit Section XX.B.

The monitoring data for the CMS Facility indicates consistent, ongoing exceedances and violations of the Industrial Permit. The CMS Owners and/or Operators have discharged and continue to discharge storm water containing pollutants at levels in violation of the above listed prohibitions and limitations during every significant rain event. CMS's sampling data reflects numerous discharge violations. CMS's own sampling data is not subject to impeachment. (*Baykeeper, supra*, 619 F.Supp. 2d at 927, citing *Sierra Club v. Union Oil Co. of Cal.*, (9th Cir. 1987) 813 F.2d 1480, 1492 ["when a permittee's reports indicate that the permittee has exceeded permit limitations, the permittee may not impeach its own reports by showing sampling error"]).

As reflected below, the Facility has exceeded the CTR and benchmarks during every significant rain event.

No.	Discharge Point	Date	Parameter	Units	Result	Benchmark/ WQO	NAL
1	Area 1	12/22/15	Aluminum	mg/L	4.2	.75 <sup>1</sup>	.75
2	Area 1	12/22/15	Zinc	mg/L	.300	.12 <sup>2</sup>	.26
3	Area 1	12/22/15	Iron	mg/L	4.42	.3 <sup>3</sup>	1.0
4	Area 1	12/22/15	Copper	mg/L	.070	.013 <sup>2</sup>	.0332
5	Area 1	12/22/15	Specific Conductance	umhos/cm	528	200	--
6	Area 2	12/22/15	Aluminum	mg/L	3.5	.75 <sup>1</sup>	.75
7	Area 2	12/22/15	Zinc	mg/L	.310	.12 <sup>2</sup>	.26
8	Area 2	12/22/15	Iron	mg/L	4.00	.3 <sup>3</sup>	1.0
9	Area 2	12/22/15	Copper	mg/L	.059	.013 <sup>2</sup>	.0332
10	Area 2	12/22/15	Specific Conductance	umhos/cm	634	200	--
11	Area 1	5/6/16	Zinc	mg/L	.371	.12 <sup>2</sup>	.26
12	Area 2	5/6/16	Zinc	mg/L	.375	.12 <sup>2</sup>	.26
13	Area 1	2/27/17	Zinc	mg/L	2.27	.12 <sup>2</sup>	.26
14	Area 1	2/27/17	COD	mg/L	145	120 <sup>2</sup>	120
15	Area 2	2/27/17	Zinc	mg/L	1.69	.12 <sup>2</sup>	.26
16	Area 2	2/27/17	COD	mg/L	1,040	120 <sup>2</sup>	120

<sup>1</sup> EPA 2015 Multi Sector General Permit Benchmark, Table 8.N-1

<sup>2</sup> California Toxics Rule Limit

<sup>3</sup> Basin Plan Objective for Carlsbad Hydrologic Unit, Escondido Creek, Basin Plan Table 3-2

Every day the CMS Owners and/or Operators discharged or continue to discharge polluted storm water in violation of the Discharge Prohibitions and Receiving Water Limitations of the New Industrial Permit is a separate and distinct violation of the Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The CMS Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since CMS's enrollment. These violations are ongoing and will continue each day contaminated storm water is discharged in violation of the requirements of the Permit.

**C. Failure to Develop and/or Implement BMPs that Achieve Compliance with Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology**

The New Industrial Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of the Best Available Technology Economically Achievable (BAT) for toxic pollutants<sup>2</sup> and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.<sup>3</sup> Specifically, the Permit "requires control of pollutant discharges using BAT and BCT to reduce and prevent discharges of pollutants, and any more stringent effluent limitations necessary for receiving waters to meet applicable water quality standards." (New Industrial Permit, §I.D.32; see also, §V.A.).

EPA Benchmarks are the pollutant concentrations which generally indicate whether a facility has successfully developed or implemented BMPs that meet the BAT/BCT. Discharges with pollutant concentration levels above EPA Benchmarks and/or the CTR demonstrate that a facility has failed to develop and/or implement BMPs that achieve compliance with BAT for toxic pollutants and BCT for conventional pollutants. The Facility's monitoring data demonstrates consistent exceedances of not only the CTR, but also EPA benchmarks. (See monitoring data above).

Thus, CMS's storm water discharge sampling data demonstrates the Facility has not developed and/or implemented BMPs that meet the standards of BAT/BCT. (See *Baykeeper*, *supra*, 619 F.Supp. 2d at 925 ["Repeated and/or significant exceedances of the Benchmark limitations should be relevant" to the determination of meeting BAT/BCT]).

Further, information available to CERF indicates CMS has failed to implement and/or develop BMPs that meet BAT and BCT. As noted in the Facility's Storm Water Pollution Prevention Plan ("SWPPP"), minimal, ineffective BMPs are used at the Facility and the BMPs/SWPPP have not been updated since February 10, 2015. No filtration devices are installed to address the Facility's discharge of metals. (*Id.*). In fact, no advanced BMPs are implemented at the Facility. (New Industrial Permit, §X.H.2).

Notably, Permit Effluent Limitation V.A. is a separate requirement, independent of the iterative process triggered by exceedances of the Permit's NALs. "The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are

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<sup>2</sup> Toxic pollutants are found at 40 CFR § 401.15 and include, but are not limited to: lead, nickel, zinc, silver, selenium, copper, and chromium.

<sup>3</sup> Conventional pollutants are listed at 40 CFR § 401.16 and include biological oxygen demand, total suspended solids, pH, fecal coliform, and oil and grease.



not derived directly from either BAT/BCT requirements or receiving water objectives." (New Industrial Permit, §I.M.63). Thus, the NALs do not represent technology-based criteria relevant to determine whether an industrial facility has implemented BMPs that achieve BAT/BCT. Therefore, development of an Exceedance Response Action Plan pursuant to Permit Section XII neither addresses nor alleviates the aforementioned violations of Effluent Limitation V.A.

In summary, the CMS Owners and/or Operators are seriously in violation of Section V.A. of the Industrial Permit. Every day CMS operates with inadequately developed and/or implemented BMPs in violation of the BAT/BCT requirements is a separate and distinct violation of the Permit and Section 301(a) of the Clean Water Act. (33 U.S.C. § 1311 (a)). Therefore, CMS has been in daily and continuous violation of the BAT/BCT requirements of the Industrial Permit every day since at least September 19, 2012, and is subject to penalties for all such violations.

These violations are ongoing and CMS will continue to be in violation every day it fails to develop and/or implement BMPs that achieve BAT/BCT to prevent or reduce pollutants associated with industrial activity in storm water discharges at the Facility.

#### **D. Inadequate Storm Water Pollution Prevention Plan**

One of the main requirements of the Industrial Permit (and New Industrial Permit) is the Storm Water Pollution Prevention Plan (SWPPP). (Industrial Permit §A; New Industrial Permit, Finding I.54, §X). CMS has not developed an adequate SWPPP as required by the New Industrial Permit.

The CMS SWPPP (undated) and first uploaded to SMARTS on February 10, 2015 has not been updated despite the more onerous requirements of the New Industrial Permit, which became operative July 1, 2015. The SWPPP does not contain: a date or revision date; a facility description; an assessment of potential pollutant sources; an adequate description of pollutant sources (including type, characteristics, quantity and handling frequency); advanced BMPs; justification for rejected BMPs; a BMP summary table; or an annual comprehensive evaluation. (New Industrial Permit, §X.A, F, G, H). The SWPPP site map also fails to identify the facility boundary; direction of drainage areas; areas of soil erosion; storm drain inlets; storm water collection device discharge locations and direction of flow; identification of all impervious areas; sample locations; locations where materials are directly exposed to precipitation; and all areas of industrial activity. (New Industrial Permit, §X.E). Lastly, the SWPPP does not include a Monitoring Implementation Plan in accordance with the Permit. (New Industrial Permit, §X.I).

The SWPPP also fails to assess the Facility's potential contribution of 303(d) listed pollutants to receiving waters. Per section X.G.2.a.ix of the New Industrial Permit, the CMS Owners and/or Operators are required to assess the potential industrial pollutant sources to receiving waters with 303(d) listed impairments identified in Appendix 3. (New Industrial Permit, §X.G.2.a.ix). The SWPPP fails to identify any 303(d) listed constituents for Escondido Creek. However, Escondido Creek is listed as impaired for DDT, enterococcus, fecal coliform, sulfates, phosphate, manganese, selenium, total dissolved solids, total nitrogen, and toxicity. Downstream, San Elijo Lagoon is listed for eutrophic pollutants, bacteria, and sedimentation. The Pacific Ocean shoreline along San Elijo Lagoon is listed for total coliform.

Lastly, despite the numerous and egregious water quality violations established by CMS's monitoring data, the SWPPP BMPs have not been adequately updated to address such exceedances (or updated at all since February 2015).

Every day the CMS Owners and/or Operators operate the Facility without an adequate SWPPP constitutes a separate and distinct violation of the Industrial Permit, the New Industrial Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The CMS Owners and/or Operators have been in daily and continuous violation of the Industrial Permit since at least September 19, 2012. These violations are ongoing and the CMS Owners and/or Operators will continue to be in violation every day they fail to address the SWPPP inadequacies. Thus, the CMS Owners and/or Operators are liable for civil penalties of up to \$37,500 per day for violations prior to November 2, 2015, and \$51,570 per day of violations occurring after November 2, 2015. (33 U.S.C. §1319(d); 40 CFR 19.4; New Industrial Permit, §XXI.Q.1).

#### **E. Failure to Monitor**

Sections B(5) and (7) of the Industrial Permit required dischargers to visually observe and collect samples of storm water discharged from all locations where storm water is discharged. Facility operators, including the CMS Owners and/or Operators, were required to collect samples from at least two qualifying storm events each wet season, including one set of samples during the first storm event of the wet season. Required samples were to be collected by Facility operators from all discharge points and during the first hour of the storm water discharge from the Facility. CMS sampled two storm events during the 2014-2015 reporting period, but failed to sample the required SIC-specific metal constituents: copper, zinc, aluminum, iron, and lead. (Permit, Table D, SIC 5093).

The New Industrial Permit requires dischargers to take two samples between July 1 and December 31 and two samples between January 1 and June 30. (New Industrial Permit, §XI.B.2). Nonetheless, CMS failed to comply with these requirements. The CMS Owners and/or Operators have failed to take the required four samples during the 2015-2016 and 2016-2017 reporting periods. There were numerous qualifying storm events during this period. (See Attachment).

CMS failed to sample pH during the 12/22/2015 rain event. Rather, pH was tested at the lab well after pH could be accurately measured. CMS's 5/6/2016 sampling also failed to monitor pH within the specified time period (within 15 minutes) and failed to test for copper. (See New Industrial Permit, §XI.C.2.a and §X.B.6.b, c). CMS further failed to use the appropriate sampling methods for aluminum, lead, iron, zinc and copper for the 2/27/2017 storm event. (New Industrial Permit, Table 2). Indeed, the test method used for copper was not sensitive enough to assess NAL or CTR compliance. Lastly, CMS failed to upload the 2/27/2017 sampling results to SMARTS within 30 days of receipt. (New Industrial Permit, §XI.B.11.a ).

Every day the CMS Owners and/or Operators failed to adequately monitor the Facility is a separate and distinct violation of the Industrial Permit, New Industrial Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). These violations are ongoing and the CMS Owners and/or Operators will continue to be in violation every day they fail to adequately monitor the Facility. The CMS Owners and/or Operators are thus subject to penalties in

accordance with the Industrial Permit – punishable by a minimum of \$37,500 per day of violations prior to November 2, 2015, and \$51,570 per day of violations occurring after November 2, 2015. (33 U.S.C. §1319(d); 40 CFR 19.4; New Industrial Permit, §XXI.Q.1).

#### **F. Failure to Develop and Implement Level 1 ERA Report**

CMS has failed to address the numerous NAL exceedances at the Facility. CMS submitted a letter to the Regional Board on December 16, 2016 indicating its Level 1 Exceedance Response Action ("ERA") Report would be submitted via SMARTS by January 2017. On July 25, 2017, CMS informed the Regional Board its Level 1 ERA Report was still not ready. As of this writing, CMS has still failed to submit a Level 1 ERA Report and implement new BMPs. CMS is therefore in violation of the New Industrial Permit ERA requirements to, by October 1, 2016: (1) complete an evaluation of the industrial pollutant sources that may be related to the NAL exceedances (New Industrial Permit, §XII.C.1.b.); and (2) identify the corresponding BMPs in the SWPPP and any additional BMPs or SWPPP revisions necessary to prevent future NAL exceedances and comply with the Permit (New Industrial Permit, §XII.C.1.c.). CMS has further failed to, by January 1, 2017: (1) revise the SWPPP as necessary to implement additional BMPs identified in the evaluation (New Industrial Permit §XII.C.2.a.i); (2) certify and submit a QISP-prepared Level 1 ERA Report that includes a summary of the Level 1 ERA evaluation, and a detailed description of the SWPPP revisions and additional BMPs for each NAL exceedance (New Industrial Permit §XII.C.2.a.ii); and (3) certify and submit the QISP's name and contact information via SMARTS (New Industrial Permit §XII.C.2.a.iii).

Information available to CERF also indicates CMS has not adequately implemented or updated its BMPs and therefore NAL exceedances are likely to continue this wet season. Scrap and rusty materials remain exposed during rain events, likely contributing to the Facility's continued water quality objective exceedances.

Every day the CMS Owners and/or Operators fail to submit and implement an adequate Level 1 ERA Report is a separate and distinct violation of the New Industrial Permit and Section 301(a) of the Clean Water Act. (33 U.S.C. § 1311(a)). These violations are ongoing and the CMS Owners and/or Operators will continue to be in violation every day they fail to revise, submit and implement an appropriate Level 1 ERA Report.

#### **G. Falsification of Reports**

Section XVI. of the Industrial Permit requires dischargers to submit Annual Reports by July 15<sup>th</sup> following each reporting year. The Annual Report must include a completed compliance checklist that indicates whether a discharger has complied with and addressed all applicable requirements of the Permit. (New Industrial Permit, §XVI.B.1.). The Permit contains numerous additional provisions which ensure the accuracy of reported information. For example, Section XXI.J. requires dischargers take samples and measurements that are "representative of the monitored activity." Further, the Legally Responsible Person or Duly Authorized Representative must certify all documents submitted via SMARTS. (New Industrial Permit, §XXI.K.1.). Any person signing, certifying, or submitting such documents does so under penalty of perjury. (New Industrial Permit, §XXI.L.).

Both the Industrial Permit and the Clean Water Act make it unlawful to falsify reports,



punishable by a \$10,000 fine or by imprisonment, or both. (Industrial Permit, §XXI.N; 33 U.S.C. §1319(c)(1)). In addition to knowing falsification, negligent violation of the Clean Water Act is also punishable through criminal penalties. (33 U.S.C. §1319(c)(1)).

The 2016-2017 Annual Report for the Facility, certified under penalty of perjury by Denise Speigle, contains false information. Ms. Speigle answered question Number 3 in the affirmative, stating the required number of Qualifying Storm Events were sampled. This is false. Only two events were monitored, not four. (New Industrial Permit, §XI.B.2). The same is true of the 2015-2016 Annual Report. During the 2015-2016 reporting period, only one sample was taken.

Notably, ignorance of permit requirements does not constitute a legal defense for failure to comply with the Permit requirements. (*U.S. v. Weitzenhoff* (9th Cir. 1993) 35 F.3d 1275, 1284 ["criminal sanctions are to be imposed on an individual who knowingly engages in conduct that results in a permit violation, regardless of whether the polluter is cognizant of the requirements or even the existence of the permit"] emphasis added; *U.S. v. Sinskey* (8th Cir. 1997) 119 F.3d 712, 715–16 ["Given this interpretation of the statute, the government was not required to prove that Sinskey knew that his acts violated either the CWA or the NPDES permit, but merely that he was aware of the conduct that resulted in the permit's violation."])).

Further, there were numerous qualifying storm events during the 2015-2016 and 2016-2017 reporting period. The claim that there was only one discharge is simply false. Therefore, Ms. Speigle and CMS are in violation of the Industrial Permit and Clean Water Act Section 309.

Every day the CMS Owners and/or Operators fail to submit accurate Annual Reports for the Facility is a separate and distinct violation of the Industrial Permit and Section 301(a) of the Clean Water Act. (33 U.S.C. § 1311(a)). CMS has been in daily and continuous violation of the Industrial Permit's reporting requirements every day since at least June 17, 2016. These violations are ongoing and the CMS Owners and/or Operators, as well as Ms. Speigle, will continue to be in violation every day they fail to revise and submit an accurate 2015-2016 and 2016-2017 Annual Report.

### **III. Remedies**

Upon expiration of the 60-day period, CERF will file a citizen suit under Section 505(a) of the Clean Water Act for the above-referenced violations. During the 60-day notice period, however, CERF is willing to discuss effective remedies for the violation noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately. If good faith negotiations are not being made, at the close of the 60-day notice period, CERF will move forward expeditiously with litigation.

CMS must develop and implement a SWPPP which complies with all elements required in the New Industrial Permit, including the requisite monitoring, and address the consistent, numerous, and ongoing water quality violations at the Facility. Should the CMS Owners and/or Operators fail to do so, CERF will file an action against CMS for its prior, current, and anticipated violations of the Clean Water Act.

CERF's action will seek all remedies available under the Clean Water Act §1365(a)(d).



CERF will seek the maximum penalty available under the law which is \$37,500 per day of violations prior to November 2, 2015, and \$51,570 per day of violations occurring after November 2, 2015. (33 U.S.C. §1319(d); 40 CFR 19.4; New Industrial Permit, §XXI.Q.1). CERF may further seek a court order to prevent CMS from discharging pollutants. Lastly, section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorneys' and experts' fees. CERF will seek to recover all of its costs and fees pursuant to section 505(d).

#### IV. Conclusion

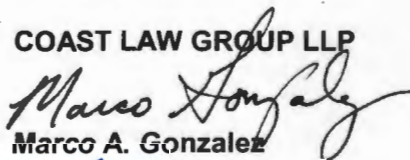
CERF has retained legal counsel to represent it in this matter. Please direct all communications to Coast Law Group:

**Marco A. Gonzalez**  
**Livia B. Beaudin**  
**COAST LAW GROUP LLP**  
**1140 S. Coast Highway 101**  
**Encinitas, CA 92024**  
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**Email: [marco@coastlawgroup.com](mailto:marco@coastlawgroup.com)**  
**[livia@coastlawgroup.com](mailto:livia@coastlawgroup.com)**

CERF will entertain settlement discussions during the 60-day notice period. Should you wish to pursue settlement, please contact Coast Law Group LLP at your earliest convenience.

Sincerely,

**COAST LAW GROUP LLP**

  
**Marco A. Gonzalez**



**Livia Borak Beaudin**

Attorneys for

Coastal Environmental Rights Foundation

CC:

<b>Alexis Strauss</b> Acting Regional Administrator U.S. EPA, Region 9 75 Hawthorne Street San Francisco, CA, 94105	<b>Dave Gibson, Executive Officer</b> Catherine Hagan, Staff Counsel San Diego Regional Water Quality Control Board 2375 Northside Drive, Suite 100 San Diego, CA 92108-2700
<b>Scott Pruitt</b> EPA Administrator William Jefferson Clinton Building 1200 Pennsylvania Avenue N.W. Washington, DC 20004	<b>Eileen Sobeck</b> Executive Director State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0110



Precipitation Data

STATION	NAME	LATITUDE	LONGITUDE	ELEVATION	DATE	PRCP
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	6/30/2015	0.25
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	7/18/2015	0.6
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	7/19/2015	0.15
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	7/20/2015	0.45
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	9/15/2015	0.75
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	9/16/2015	0.16
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	10/4/2015	0.43
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	10/5/2015	0.12
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/3/2015	0.22
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/4/2015	0.1
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/10/2015	0.13
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/25/2015	0.14
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/27/2015	0.34
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/11/2015	0.36
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/14/2015	0.24
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/20/2015	0.13
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/22/2015	0.49
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/23/2015	0.19
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/4/2016	0.18
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/5/2016	1.29
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/6/2016	1.12
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/7/2016	0.58
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/31/2016	1.14
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	2/18/2016	0.13
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	3/6/2016	0.34
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	3/7/2016	0.49
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	3/8/2016	0.2
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	3/12/2016	0.12
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	4/7/2016	0.17
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	4/10/2016	0.68
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	5/6/2016	0.22
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	5/7/2016	0.13
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	9/20/2016	0.26
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	9/21/2016	0.36
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/21/2016	1.05
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/26/2016	0.23
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/27/2016	0.79
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	11/28/2016	0.15
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/16/2016	2.01
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/22/2016	1.07
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/23/2016	0.12
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/24/2016	1
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/30/2016	0.2
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	12/31/2016	0.29
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/1/2017	0.65
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/5/2017	0.25



Precipitation Data

USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/9/2017	0.28
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/11/2017	0.15
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/12/2017	0.19
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/13/2017	0.54
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/19/2017	0.89
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/20/2017	1.56
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/21/2017	0.39
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/22/2017	0.45
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/23/2017	1.87
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	1/24/2017	0.52
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	2/6/2017	0.12
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	2/7/2017	0.45
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	2/18/2017	1.65
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	2/19/2017	0.26
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	2/27/2017	2.38
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	2/28/2017	2.06
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	3/23/2017	0.25
US1CASD0148	ESCONDIDO 2.2 W, CA US	33.1311	-117.1081	221.3	5/7/2017	0.61
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	5/7/2017	0.83
USC00042863	ESCONDIDO NUMBER 2, CA US	33.121	-117.09	182.9	5/8/2017	0.35
US1CASD0148	ESCONDIDO 2.2 W, CA US	33.1311	-117.1081	221.3	5/8/2017	0.69